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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
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12 DOUGLAS J. WILLIAMS,
13 Plaintiff,

14 v.

15 JON N. SY, STEVE HALE, JAMES A.
16 BAKER, MIKE MILLER, JERRY W.
BREZINA, and DOES 1 thorough 100, inclusive,
Defendants.

No. C-05-00322 RMW

ORDER DENYING PLAINTIFF'S REQUEST
FOR DISQUALIFICATION

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18 Plaintiff Douglas Williams, proceeding *in pro per*, claims the following in his complaint against
19 defendants Jon Sy, Steve Hale, James A. Baker, Mike Miller, and Jerry Brezina: fraudulent inducement to
20 contract, defamation under California Civil Code §§ 43-46, intentional infliction of emotional distress, and
21 conspiracy to interfere with civil rights under U.S.C. §§ 1983, 1985(3) and 18 U.S.C. § 241. Defendants have
22 moved to dismiss his complaint for lack of subject matter jurisdiction, insufficiency of service of process and
23 failure to state a claim upon which relief may be granted. Plaintiff has not opposed the motion, which is set for
24 hearing on Friday, July 1, 2005 at 9:00 a.m.

25 On Monday, June 27, 2005, plaintiff submitted a letter to the court requesting his case be reassigned
26 because plaintiff discovered that counsel for defendant, Todd Kenneth Boyer, was once a volunteer extern for
27 the undersigned. Plaintiff asks that the undersigned be disqualified to address potential bias against him.
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1 The court confirms that Mr. Boyer worked in chambers as a student extern for approximately three
2 months in fall 1998. However, that fact in and of itself does not demonstrate that a judge has "a personal bias
3 or prejudice either against [plaintiff] or in favor of [defendants]", 28 U.S.C. § 144, nor does it provide grounds
4 upon which a judge's "impartiality might reasonably be questioned." *Id.* § 455(a). Plaintiff's concerns regarding
5 bias or prejudice are not well taken, thus, the court declines to reassign the case.

6
7 DATED: 6/28/05

/s/ Ronald M. Whyte

RONALD M. WHYTE

United States District Judge

1 **Notice of this document has been sent to:**

2 **Plaintiffs:**

Douglas J. Williams
Post Office Box 52198
Pacific Grove, Ca 93950
PRO SE

5 **Counsel for Defendant(s):**

Ronald J. Holland
Todd Kenneth Boyer
Littler Mendelson, P.C.
650 California Street, 20th Fl.
San Francisco, CA 94108

9 Counsel are responsible for distributing copies of this document to co-counsel that have not registered for e-filing under the court's CM/ECF program.

12 **Dated:** 6/28/05

/s/ MAG
Chambers of Judge Whyte